

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CATALINA DAVIS,)	
Plaintiff)	
)	
v.)	Civil Action number 05-30122-MAP
)	
CARABETTA,)	
Defendant)	

**SECOND (renewed) MOTION FOR SANCTIONS FOR CONTEMPT -
PLAINTIFF'S FAILURE TO COMPLY WITH COURT ORDER**

NOW comes the Defendant in the above captioned matter who respectfully moves this Honorable Court to Sanction the Plaintiff for her contempt. As reasons therefore, it is stated as follows:

1. On March 11, 2006 Defendant filed Motions asking that various sanctions and/or costs be imposed upon the Plaintiff for Failure to Attend Own Deposition and Failure to Appear at a Case Management Hearing.
2. On April 14, 2006 Plaintiff through Counsel filed oppositions to these Motions.
3. On April 25, 2006 the Honorable Justice Neiman denied Defendant's Motion to Dismiss but granted Defendant's Motion for Costs in the amount of five-hundred fifty dollars (\$550.00) for Plaintiff's failure to attend own deposition.
4. Justice Neiman ordered Plaintiff to pay these costs by May 19, 2006.
5. Plaintiff failed to pay costs.
6. On July 17, Plaintiff and her Counsel being in attendance, the Court held a hearing on Defendant's Motion for Sanctions (to dismiss) for failure to pay costs. The Court denied the Motion "without prejudice" and extended the Plaintiff until August 31 to pay costs and further granted the Plaintiff until August 31 to conduct discovery.
7. On August 16 the Court Denied Plaintiff's Motion to Reconsider (dated July 7 and docketed on July 14).
8. To date, Plaintiff has failed to pay costs; failed to contact Defendant; failed to conduct discovery; and failed to take any steps what so ever to comply with or otherwise obey the Court's order. The Plaintiff is in open Contempt of Court.

Wherefore, Plaintiff having deliberately disobeyed an order of this Court, Defendant respectfully requests that this case be DISMISSED.

September 8, 2006

S/s Ralph Carabetta
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